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CONCEPT of federal pre-emption of national airspace regulation was dismissed by U.S. District Judge David Mazzone in his ruling upholding Massport's new fee structure at Boston Logan Airport. Mazzone said "the literature, the legislative history, the cases...convey to me...an invitation for the State to regulate airfield capacity and is not prohibited as long as it is reasonable."

PLAINTIFFS in the Massport litigation, including NBAA, AOPA, RAA and the New England Legal Foundation all said last week they have not made a final decision on whether to appeal Judge Mazzone's ruling on Massport. The three aviation groups do plan to participate in the Transportation Department's ongoing investigation of the PACE Plan.

PIPER AIRCRAFT plans to begin surveying potential turbine Malibu customers this month to help determine the final configuration of the aircraft and what features it should include. The survey, which is expected to be sent to about 10,000 persons, is expected to be completed this fall. Next month, Piper is expected to begin flying a proof-of-concept model that incorporates a PT6A-11 turboprop in a slightly modified Malibu fuselage.

DUKAKIS ADVOCATES WIDESPREAD USE OF PACE PLAN TO CURB CONGESTION

Massachusetts Gov. Michael Dukakis says that if he is elected President he would tell FAA to implement programs at other major airports similar to the one adopted by the Massachusetts Port Authority at Boston Logan as a way to alleviate congestion and delays for air travelers.

A position paper prepared by the Dukakis campaign early this year states that "universal access leads to congestion, congestion leads, inevitably, to delay. The growth of U.S. aviation demands the federal government rethink its myopic 'first come, first serve' theory of air traffic management. When it comes to access to our busiest airports, especially during peak periods, scheduled jet service deserves a higher priority than unscheduled general aviation. Enforcement of anti-congestion remedies is the single most important action we can take to make the planes run on time."

In the position paper, titled "Straightening Out The Air Traffic Mess: A Program For Safer Skies and Improved Service," Dukakis describes the Program for Airport Capacity Efficiency (PACE) Plan at Boston Logan as "bold action to relieve the congestion crisis." He claims the PACE Plan "will substantially increase airport capacity through better access management by raising fees to general aviation planes, especially during peak hours and making access for large aircraft a priority at peak hours by creation of a 'reservation' system. These reservations would be treated as a public asset, and would be allocated on the basis of a number of factors, especially aircraft size."

Dukakis acknowledges that "what works to relieve congestion at one airport may not work elsewhere. But as President I will charge the FAA to work with our busiest airports to develop and implement workable solutions and require PACE-type decongestion remedies where they make sense."

The six and one-half page paper on aviation also addresses issues such as use of the Aviation Trust Fund, hiring new air traffic controllers and development of high-speed, inter-city rail service as an alternative to flying. The paper concludes that "it is time the federal government took charge and restored public confidence to one of America's most precious assets—our national air transportation system. Mike Dukakis has the leadership skill, vision, courage and experience to do the job."

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STATUS OF AIRPORT & AIRWAY TRUST FUND

APRIL 30, 1988

	CURRENT MONTH	FISCAL YEAR TO DATE
I. BALANCE - BEGINNING OF PERIOD	$ 10,505,104,298.93	$ 9,934,926,899.36
II. RECEIPTS:		
A. Excise Taxes (Transferred from General Fund):		
Any liquid fuel except gas	7,023,000.00	43,539,000.00
Tires used on aircraft	0.00	0.00
Tubes used on aircraft	0.00	0.00
Gasoline		
1. Commercial 9 cents tax	232,000.00	3,141,000.00
2. Non-commercial 9 cents tax	2,069,000.00	15,893,000.00
3. Non-commercial 3 cents tax	690,000.00	5,622,000.00
4. Transp by air,seats,berths,etc.	214,502,000.00	1,570,570,000.00
Use of international trav fac	7,656,000.00	52,990,000.00
Transp of property and cargo	14,156,000.00	94,825,000.00
Total Tax Receipts	246,328,000.00	1,786,580,000.00
B. Less Reimbursement to General Fund - Refund of Taxes and Estimated Tax Credits :		
1. Civil aircraft	0.00	2,170.00
2. Any liquid fuel except gas	0.00	2,207,260.00
3. Gasoline -Retailer s tax	2,000,000.00	2,000,000.00 1/
4. Gasoline -Manufac. tax	0.00	0.00
Total Reimburse For Tax Refunds	2,000,000.00	4,209,430.00
Net Tax Receipts	244,328,000.00	1,782,370,570.00
C. Interest on Investments	5,041,501.35	441,636,993.77
Net Receipts	249,369,501.35	2,224,007,563.77
III. EXPENDITURES :		
A. Federal Aviation Administration :		
1. Operations	68,829,582.00	481,807,082.00
2. Grants-in-aid for airports	37,299,674.48	449,933,738.58
3. Facilities & equipment	69,653,881.08	557,067,468.56
4. Research engineering & development	13,043,795.41	90,269,316.68
B. NOAA weather services	0.00	14,145,500.00
C. Interest on Refund of Taxes	0.00	64,490.00
Total Expenditures	188,826,932.97	1,593,287,595.82
IV. BALANCE - END OF PERIOD	10,565,646,867.31	10,565,646,867.31
ASSETS :		
Undisbursed Balances:		
Airport & Airway Trust Fund	1,278.14 1/	
Operations	-1,625.59	
Grants-in-aid for Airports	-9,870,144.88	
Facilities & Equipment	31,129,853.74	
Research Engineering & Development	1,281,505.90	
NOAA weather services	0.00	
		$ 22,540,867.31
Investments :		
U.S. TREASURY CERTIFICATES OF INDEBTEDNESS:		
8-5/8% maturing June 30, 1988	$ 10,543,106,000.00	
		10,543,106,000.00
Total Assets		10,565,646,867.31
LIABILITIES:		0.00
EQUITY:		
Excess of Assets over Liabilities		$ 10,565,646,867.31
Total Liabilities and Equity		10,565,646,867.31

NOTE

ONLY THE FOLLOWING PAGES OF THIS

PUBLICATION HAVE BEEN FILMED

Pages: 17, 18a, 19, 19a,

20a, 21a